

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WILLIAM F. BYRNE,
Plaintiff,

v.

THE CLEVELAND CLINIC, et al.
Defendants.

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CIVIL ACTION

NO. 09-889

ORDER

AND NOW, this 5th day of February 2010, upon consideration of Defendants' motions to dismiss (Docket Nos. 13 and 14), and for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that the motions are GRANTED IN PART and DENIED IN PART, as follows:

1. To the extent that Mr. Byrne brings a stabilization claim under the Emergency Medical Treatment and Active Labor Act ("EMTALA"), the motions to dismiss are GRANTED and the stabilization claim is DISMISSED with prejudice;
2. The motions to dismiss are DENIED as to Mr. Byrne's stabilization claim under EMTALA; and
3. Mr. Byrne's breach of implied contract claim is dismissed with prejudice.

BY THE COURT:

S/Gene E.K. Pratter
GENE E.K. PRATTER
United States District Judge